United Nations A/HRC/WG.6/19/BRN/1

General Assembly

Distr.: General
30 January 2014

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Nineteenth session
28 April–9 May 2014

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Brunei Darussalam

* The present document has been reproduced as received. Its content does not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations.

GE.14-10665

1410665

Please recycle

I. Introduction and methodology (Recommendation 13)

1. Brunei Darussalam's first national report for the Universal Periodic Review (UPR) was discussed at the 6th Session of the Working Group of the UPR on 8 December 2009. Brunei Darussalam accepted 33 recommendations and submitted responses to 25 recommendations at the 13th Session of the Human Rights Council (HRC) on 19 March 2010, where its national report was adopted.

2. Since the adoption of the first report, the Government of His Majesty the Sultan and Yang Di Pertuan of Brunei Darussalam has made efforts in its commitment to implement these recommendations through all relevant parties that are active in promoting the welfare and rights of the people, including government agencies, and Non-Governmental Organisations (NGOs).

3. This report of Brunei Darussalam for the second cycle of the UPR was prepared in accordance with the general guidelines for the UPR (A/HRC/DEC/17/119). The report outlines action taken by Brunei Darussalam with regards to the human rights development in the country and implementation of the accepted recommendations mentioned above.

4. The Inter-Agency Expert Group (IAEG), established in April 2008 with the main task of preparing the national report for the HRC, initiated monthly discussions for the UPR in preparation for the drafting of the national report. This national report was compiled after a series of consultations amongst relevant government agencies. NGOs were also consulted during this process.

5. Details of the UPR were disseminated and shared amongst relevant agencies and enquiries/inputs could be sent to the e-mail dedicated to UPR related information at brunei-upr@mfa.gov.bn.

II. Developments in the legislative, normative and institutional framework

A. Legislative Council

6. On 1 June 2011, the Legislative Council membership was increased from 29 to 33 members which, for the first time, included two (2) women.

B. Government agencies (Recommendation 7)

7. Brunei Darussalam continues to promote and protect human rights in the country through the inter-agency[1] consultative mechanism, in cooperation with NGOs.

8. The National Council on Social Issues identified 11 social issues that need to be addressed in Brunei Darussalam, namely poverty, housing for the poor, unemployment, social security, community's mentality, immoral behaviour, crime, women issues, family institution, elderly issues and issues of persons with disabilities. Six (6) Special Committees were thus established - the Special Committee on Poverty, Special Committee on Community's Mentality, the Special Committee on Immoral Behaviour, the Special Committee on Crime Prevention, the Special Committee on Family Institution and Women, and the Special Committee on Persons with Disabilities and the Elderly.

C. Domestic legislation (Recommendations 8, 22, 26 and 32)

9. Various legislations have since been introduced, enforced and/or amended to ensure the continued promotion and protection of human rights in the country. These include:

- The **Syariah Penal Code Order, 2013**, was gazetted on 22 October 2013. It is an Order that relates to laws in respect of Syariah crimes and any matters connected therewith and is aimed at providing basic human rights. The Order will be implemented gradually in three (3) phases to ensure sufficient time to introduce the Order to the public and to allow for its proper and effective enforcement. The Order generally applies to both Muslims and non-Muslims, and its applicability to: i) Muslims only; ii) non-Muslims only, and iii) both Muslims and non-Muslims, depends on the types of offences as stated in the Order.

- The **Children and Young Persons Act (Cap 219)**, provides for the protection and rehabilitation of children and the establishment of the Juvenile Courts and Action Teams on Child Protection. The latter has been enumerated for the purposes of co-ordinating locally-based services to families, children and young persons in cases where children or young persons are suspected of being in need of protection. To ensure that children are protected whilst under police custody, this Act prohibits them from being associated with adult offenders. It also ensures the protection of their identity with any court proceedings.

- The **Islamic Family Law Act (Cap 217)** and the **Married Women Act (Cap 190)**, amended in 2010, includes provisions dealing with *'dharar syarie'* or domestic violence. Pursuant to the amendments, the laws provide better protection for victims of domestic violence. The laws explicitly define the meaning of domestic violence and provide an extensive protection for abused victims including the issuance of protection orders and expedited orders by the court and the award of compensation to the abused victims.

- The **Employment Order 2009** replaced the Labour Act (Cap 93), to include laws relating to the employment of workers, including immigrant employees and domestic workers. Specific provisions relating to the employment of women, young persons and children are also provided for under this Order.

- The **Compulsory Religious Education Act (Cap 215)**, enforced on 1 January 2013, provides for 7 years of compulsory religious education for all Muslim children. The Act requires every parent whose child has attained a compulsory religious school age to ensure his child is enrolled as a pupil in a religious school in that year and remains as such for the duration of the compulsory religious education.

- The **Penal Code (Cap 22)** was amended in 2012 in order to strengthen the laws to further protect the young and vulnerable from sexual exploitation and also provide prosecutors with a handle to prosecute a wider range of sexual offences. Among the new sexual offences introduced by the amendments are commercial sex, child pornography, prostitution, engaging in sexual activity in the presence of a person under the age of 16, sexual grooming, voyeurism, offences that peruses technology as a medium as well as offences related to the outraging of one's modesty. The new offences of commercial sex with a person under 18 outside Brunei Darussalam (Section 377E) and tour outside Brunei Darussalam for commercial sex with a person under 18 (Section 377F) allow for extra-territorial application on Bruneians who may commit such offences abroad and contributes towards the global fight against child sex tourism.

- The **Workplace Safety and Health Order 2009**, enforced on 1 August 2013, requires all employers to take measures to ensure the safety and health of their

employees at work, such as by providing adequate instruction, information, training and supervision. A steering committee[2] has been established for the implementation of this Order. Seminars would be held in the near future to promote awareness on health and safety across the country.

- The **Consumer Protection (Fair Trading) Order 2011** has been enforced and fully implemented with effect from 1 January 2012. The Order is supported by the Cancellation of Contracts Regulation 2011 and the Opt-Out Practices Regulation 2011. The objective of the Order is to protect consumers' interests and uphold their rights against any unfair practices by suppliers. Consumers aggrieved by unfair practice can seek recourse to civil remedies before the Court, provided that the claim is within the prescribed limit and limitation period.

- The **Price Control Act (Cap 142)** enforced on 13 March 1974 was last amended on 26 December 2012. The amendments included a list of price control items and Price Control (Cheap Sale Price) Regulations 2012. The objective of the Act amongst other is to control the price of selected necessity items to help the consumers of Brunei Darussalam especially the low income earners in their daily expenses; to ensure that any promotion and cheap sale price activities are conducted in a healthy manner; and to ensure that any increase in price is at a reasonable level.

- The **Newspaper Act (Cap 105)** regulates printing, publishing, production and reproduction of newspapers in Brunei Darussalam including matters relating to the collection and publication of news and the distribution of newspapers. Conditions on granting permits are determined by the Ministry of Home Affairs. *(addressing recommendation 22)*

III. Commitments and pledges (Recommendations 1, 2, 3, 4, 11, 12, and 13)

A. International

10. Brunei Darussalam participates in the international fora on human rights related issues, such as education and health.

11. In 2011, Brunei Darussalam ratified the Minimum Age Convention, 1973 (C. 138) of the International Labour Organization to ensure the effective abolition of child labour and raise progressively the minimum age for admission to employment or work.

12. Since 2009, Brunei Darussalam had been reviewing a number of international human rights treaties. The country had become a signatory to the Convention on the Rights of Person with Disabilities since 18 December 2007.

13. On the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, Brunei Darussalam is amending its Royal Brunei Armed Forces Act 1984 which would thus enable the country to ratify the Optional Protocol.

14. On the Convention on the Rights of the Child, Brunei Darussalam is withdrawing its reservations on paragraphs 1 and 2 of Article 20 relating to the protection of a child without a family, as well as paragraph (a) of Article 21 of the Convention pertaining to the law on adoption.

B. Regional

15. Since the establishment of the ASEAN Intergovernmental Commission on Human Rights (AICHR) in 2009, Brunei Darussalam has been an active member in pursuing its mandate and carrying out its functions including the adoption of the ASEAN Human Rights Declaration (AHRD) in Phnom Penh, Cambodia, on 18 November 2012. Furthermore, Brunei Darussalam, as Chairman of AICHR in 2013, had initiated the implementation of the AHRD. This includes organising awareness raising activities as well as considering the development of other ASEAN human rights instruments.

16. Since 2010, Brunei Darussalam has hosted a number of AICHR related meetings including the 5th Meeting of the Drafting Group on the AHRD in December 2011; Special Meeting of the AICHR, the 2nd Regional Consultation of AICHR with ASEAN Sectorial Bodies and the 8th Meeting of AICHR on the AHRD in August 2012; the 11th Meeting of the AICHR in February 2013; and the 13th Meeting of the AICHR in December 2013.

17. Brunei Darussalam also actively participates in the work and/or activities of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, which was established in April 2010. In October 2012, the First ASEAN Ministerial Meeting on Women was held at Vientiane, Lao PDR, to further strengthen ASEAN's cooperation on women empowerment and gender mainstreaming.

18. Brunei Darussalam is involved in a number of regional human rights related mechanisms including the ASEAN Committee on Women (ACW), the ASEAN Confederation of Women Organization (ACWO), and the Senior Officials Meeting on Social Welfare Development. Through the ACWO, ACW and Southeast Asia Women's Caucus on ASEAN, the Council of Women of Brunei Darussalam (CWBD) brings an analytical approach to the structural causes that permit the violation of women's rights and its required remedies.

19. Apart from AICHR, Brunei Darussalam also hosted the 7th Meeting of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW)-DT meeting in January 2013, as well as the 6th Meeting of the ACMW held in May 2013. The meetings discussed a draft ASEAN instrument on the protection and promotion of the rights of migrant workers as well as the ASEAN Committee on the Implementation of the ACMW work plan and the ASEAN Labour Ministers' Work Programme (2010–2015).

20. Brunei Darussalam actively participates in the ASEAN Heads of Specialist Unit meetings to exchange information and foster international cooperation to combat Trafficking-in-Persons (TIPs) offences in the region. It is also currently participating in the Experts' Working Group on the development of the ASEAN Convention on TIPs, as well as the Regional Plan of Action on TIPs.

C. Collaboration between Brunei Darussalam and international bodies related to human rights

21. Brunei Darussalam has received visits from representatives of international bodies relevant to human rights including the United Nations Children's Fund (UNICEF), and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

22. Technical assistance has been given on programmes relating to children such as regulating and monitoring the quality of early childhood education. Trainings for relevant teachers and officers are provided through workshops, seminars and conferences for personnel dealing with early childhood education. These activities are held in cooperation

with the Asia-Pacific Regional Network on Early Childhood's, which plays a potential role in support of policy and advocacy in the region.

23. A number of UNICEF representatives had visited the country and agreed to assist in areas such as implementing national standards on child protection and welfare homes, and the services and provision on child protection in the country.

24. The Ministry of Education, through the technical assistance of UNICEF, has engaged the International Child Resource Exchange Institute from California, U.S.A. A feasibility study on the provision of high quality Early Childhood Care and Education for children aged 3 and 4 is currently on-going. The outcome of the study will cover recommendations in areas such as teacher training and education, and possible models of Early Childhood Care and Education appropriate to the country's cultural and socio-economic background.

25. Brunei Darussalam also works with the UN Women through the ASEAN framework, in terms of accessing technical assistance on innovative programmes and strategies to foster women's empowerment and gender equality.

IV. Updates on the promotion and protection of human rights and follow-up action on the recommendations accepted in the first session of the Universal Periodic Review (2009) (Recommendations 10, 14, 26, and 32)

Wawasan 2035 and the 10th National Development Plan 2012-2017

26. Brunei Darussalam remains committed to advance itself as a nation with highly skilled, well-educated and accomplished citizens; a high quality standard of life; and a dynamic and sustainable economy, as outlined under the Brunei Vision 2035 (*Wawasan Brunei 2035*). Towards realising these goals, Brunei Darussalam is currently in the Tenth Series of its National Development Plan (2012–2017), which emphasises on national development efforts that can generate faster and higher economic growth.

27. The Plan outlines six (6) strategic development thrusts which include efforts to further diversify its economy through the promotion of investment, enhancing quality of education, improving productivity, encouraging research and innovation as well as fostering a more conducive business environment. In addition, Brunei Darussalam also continues to provide better infrastructure and facilities for its population, encourage greater opportunities for women, improve social safety nets for all, and maintain high standards of governance in the public and private sectors.

28. Towards ensuring timely and effective results, a monitoring and evaluation mechanism has been put in place to ensure that policy measures are aligned and that projects can be carried out and completed as targets. With this Plan, the use of alternative financing opportunities would also be considered.

National achievement in the Millennium Development Goals (MDGs)

29. A steady progress has been observed in the country's achievement of the MDGs with almost all of the targets already been reached. Brunei Darussalam is progressively improving on equity through the introduction and implementation of various social safety net programmes, provision of equal educational opportunities, as well as in the sustainable safeguard of its environment and natural resources.

30. Brunei Darussalam continues to maintain the status in achieving most of the health related targets set in the Millennium Development Goals. These include significant reductions in under-five mortality rate, infant mortality rate and has consistently maintained very low maternal mortality ratio. This can be attributed to the high access to reproductive health care, immunisation programmes as well as almost 100% deliveries in hospitals by skilled health personnel. The prevalence of HIV/AIDS in Brunei Darussalam also remains at a very low level.

The institution of family and safeguarding the rights of vulnerable groups

31. In Brunei Darussalam, the family institution represents the basic core of society which epitomises a solid foundation that every member of the community can depend on. Despite the emergence of nuclear family structures, the extended family system still represents a dominant family structure throughout the country. The reliable support system characterised by the extended family structure has managed to promote bonding and cohesiveness with the family and society that, in turn, develops into a strong basis for social safety net. Recognising of the important role that strong and harmonious family institutions play in shaping a community to be more resilient and progressive, the first Sunday of May has been declared as Brunei Darussalam's National Family Day starting in May 2012. The day commemorates the importance of the family unit as the backbone of society and as the basic unit of support, love and care for an individual.

32. Realising that human resources are its most valuable asset, Brunei Darussalam places priority on the social welfare and development of its people, including women, children, persons with disabilities and the elderly. Various policies, community programmes, and social services have been undertaken or introduced in caring for the vulnerable groups of this country.

33. The Special Committee on Family Institution and Women[3] was established in order to better coordinate national efforts towards strengthening family institutions as well as promoting and protecting the rights of women. The Plan of Action on Family Institution and Women is currently implemented to coordinate national efforts towards promoting and protecting the rights of women and the family institution. Eight (8) priority areas have been identified namely: Strengthen Family Institution; Work Life Balance; Economy; Women and Legal Rights; Information on Families; Health; Education; and National Mechanism for Women Empowerment.

34. Recipients of welfare benefits are also provided with a micro-credit financing scheme called the Self-Reliance Scheme, established in June 2006. This scheme helps to alleviate the financial burden of poor families and reduce their dependence on welfare benefits in order to support their livelihood by stimulating a culture of self-sustenance. In January 2011, this scheme was re-designed and renamed as the Empowerment Programme to incorporate mandatory training on entrepreneurship, business, and financial management as well as self-development to ensure business competence and sustainability.

A. Children (Recommendations 4, 17, 20, and 21)

35. The 2012 National Statistics indicated that children comprised 33.7 per cent of the country's population and hence Brunei Darussalam has made numerous efforts, including various legislations to promote and protect their rights.

36. The Government of Brunei Darussalam, through the Community Development Department, continues to carry out its functions in promoting, protecting and safeguarding

the rights of children in the country which include counselling, intervention, monthly welfare allowance, public awareness campaigns; programmes on probation and community services for children offenders; and celebrating Universal Children's Day at the national level.

37. Brunei Darussalam is currently implementing the Plan of Action on Family Institution and Women which also covers children issues which includes the strengthening of parenting skills; promoting moral integrity among school children; propagation of child online protection; and providing residential schooling, home tuition educational subsidies and transportation for children from poor families. In implementing these programmes, Government agencies are strongly supported by NGOs, the corporate sector and all levels of the community.

38. Various awareness activities, such as roadshows and talks, on domestic violence and child abuse have continued to be held throughout the country. Public education campaigns on the rights of the child and the negative consequences of child abuse are constantly conducted through schools, mass media and at the grass roots level by various government agencies and NGOs. Children are also regularly informed and consulted on their rights through regular road shows to schools. Protection and rehabilitation programmes include welfare benefits, which comprise sustenance allowances, education allowances and disability allowances; counselling; family conferencing; regulating and monitoring of child care centres and home shelters.

39. Brunei Darussalam has also introduced the Temporary Foster Care Scheme aimed at giving the children who are in need of protection and care, a placement with a family institution where the children will receive love, guidance, and attention. Proper guidelines are in place to ensure the eligibility of the temporary foster parents.

40. In March 2010, the Juvenile Court was established which is presided over by a Juvenile Court Magistrate that deals with three (3) categories of cases: (i) criminal offences committed by juveniles; (ii) juveniles who are beyond parental control; and (iii) juveniles who are in need of care and protection orders. The introduction of the juvenile justice system has empowered Magistrates with alternative sentencing options which include the making of probation orders, community service orders, and placement in an approved school, home or a detention centre. The Juvenile Court is committed to rehabilitating and reintegrating young offenders back into society in order to preserve and safeguard their future.

41. The Probation and Community Service Unit[4], under the Department of Community Development, Ministry of Culture, Youth & Sports, assists the Juvenile Court in deciding the appropriateness of youth and adult offenders for probation; supervising probationers; arranging and managing community service; and developing and conducting rehabilitative programmes.

42. Under the provisions of Children and Young Persons Act, Chapter 219, the Action Team on Child Protection[5] was established to oversee cases of child abuse which include corporal punishment. A Standard of Procedure was also developed to investigate cases of child abuse. Awareness campaigns and parenting skills programmes are constantly conducted to educate the public and parents on alternative forms of discipline.

43. Brunei Darussalam submitted its combined second and third periodic reports to the Committee on the Rights of the Child in October 2013.

B. Women (Recommendations 14, 15, and 16)

44. Women have contributed actively to decision-making processes and attained senior positions in various legal, political, financial and managerial professions. The highest posts attained included Ambassador-at-Large, Attorney-General with ministerial rank, Deputy Minister, Permanent Secretaries, Auditor-General, Solicitor-General, Accountant-General and as Chief Executive Officers in both the public and private sectors including banks. Two of the four universities[6] in Brunei Darussalam are currently headed by women. Women also serve in Islamic institutes of higher education and as Prosecutors both in the Syariah courts and Civil courts.

45. The Government of Brunei Darussalam encourages equal opportunities for women in the workforce and in nation building as mentioned in the 'Economic Strategy' of the Strategy and Policy Development Outline.

46. The Employment Order 2009 provides conditions relating to maternity benefits which a pregnant woman in confinement is entitled to, including rest, pay and prohibition against termination during maternity leave. In January 2011, the Maternity Leave Regulation was introduced as a measure towards coordination of the pre- and post-natal needs as well as the health interest of working mothers. Under the new regulation, women are now entitled to 105 days of maternity leave as opposed to 56 days pre-2011. Other new regulations recently introduced effectively removed discrimination against women civil servants such that women civil officers now receive the same fringe benefits as men civil servants in the area of housing, educational allowances for children; and 4-yearly travel allowances for the family.

47. In April 2011, the Council of Women of Brunei Darussalam established a counselling unit to tackle cases of domestic violence, particularly towards women, and supporting government initiatives in tackling such issues. The unit organises community counselling and conducts parenting skill programmes for parents.

48. Women issues are being addressed and coordinated through the Plan of Action on Family Institution and Women, particularly to increase efforts in helping single mothers, women with disabilities and poor women to attain economic reliance through employment, entrepreneurship and capacity building. This Plan also stipulates the need to review national legislations and regulations so as to incorporate the gender perspective and women's rights in the workplace as well as to mobilise technical and financial support for women in need. Empowerment programmes and its supporting mechanisms are also undertaken for the advancement and development of women in the country. All these programmes are implemented in close cooperation among Government agencies, NGOs, the corporate sector and all stakeholders within the community.

49. In April 2012, Brunei Darussalam submitted its combined initial and second periodic reports to the Committee on the Elimination of All Forms of Discrimination against Women.

C. Persons with disabilities (Recommendation 14)

50. The Special Committee on Persons with Disabilities and the Elderly[7] is currently implementing its Action Plan on Persons with Disabilities that includes issues on advocacy; health; protection; education; employment; finance; participation in the community; volunteerism; accessibility; transportation; and database on persons with disabilities.

51. The Government's efforts in promoting and protecting the rights of persons with disabilities in Brunei Darussalam are strongly supported and complemented by various

NGOs which look after the welfare of specific disability causes. Acknowledging the NGOs' work, the Government has allocated a complimentary site upon which they can build permanent premises for their offices and service facilities. In addition, a special budgetary allocation is made available for these NGOs to apply for financial assistance in order to cover their operational and capacity building activities. Another financial assistance scheme has also been introduced in the form of voluntary salary deductions by public servants who wish to donate to the NGOs. A public donation drive through the Short Messaging Service was also initiated.

52. Brunei Darussalam also observes and organises programmes or activities to commemorate the International Day for Persons with Disabilities; Autism Day; White Cane Day; International Deaf Day; and Down-Syndrome Day in cooperation with NGOs.

53. Discussions to formulate legislations on Persons with Disabilities are on-going with the view to promote inclusive society and address various issues, which includes access to infrastructure, education, health, recreation and sports, culture and information. These would ensure the promotion and protection of the rights of persons with disabilities from a rights-based approach.

54. A building control order is also being drafted with the provision to ensure unhindered access for all persons into public and private buildings and facilities.

D. The elderly (Recommendation 14)

55. Brunei Darussalam continues to safeguard the welfare of the elderly by maintaining strong family ties supported by the core value of the extended family system which continues to be widely practised. As of November 2013, the Old Age and Disability Pensioners registered under the Department of Community Development is just over 25,000 people.

56. To ensure that no citizen is deprived of basic human needs, the Government of Brunei Darussalam has implemented and promoted various social safety net programmes. The country launched the 'Caring for the Elderly Project' with the objectives to: (i) maintain family values; (ii) enhance the obligation of children and next of kin to care for their aged parents or family members; (iii) ensure the quality of life of the elderly are maintained; and (iv) raise public awareness on the need to care for the elderly.

57. In 2013, the Senior Citizens Activity Centre was established. Its objectives are to: (i) meet the needs of the elderly such as to continue to enjoy an active life and be able to engage in activities; (ii) act as a community support centre for organising activities involving the community in the nation's development; and (iii) further encourage self-help amongst the elderly and encourage experience sharing with the younger generation of the community.

E. Youth

58. Towards strengthening the nation's capacity and capability to support greater competitiveness and develop highly specialised professionals in all economic sectors, a Human Resource Development Fund has been set up. The objective of this fund is aimed towards ensuring that education and training opportunities are made available in order to develop a more marketable local workforce, and reduce dependency on foreign labour. The fund supports programmes and schemes which are targeted especially for youths and those within the working age. It also covers the provisions of scholarships and training in line with the need of the industry. Such programmes and schemes include:

- Technical and Vocational Education Scholarship Scheme: This scheme provides opportunities to 'O' and 'A' Level school leavers with financial difficulties to pursue further studies in local private institutions;
- Human Capacity Building in the Private Sector Scheme: This scheme aims to further strengthen the private sectors in the country, by providing opportunities for employees, especially those that do not have the financial means, to upgrade their academic and professional qualifications; and
- Training and Employment Scheme: This scheme aims to promote youth development through the provision of practical trainings and work related experiences to enhance competencies and increase skills required for employment.

59. Another initiative towards youth empowerment is the establishment of the Youth Development Centre in 1996 under the Ministry of Culture Youth and Sports. The Centre which caters for Bruneian youths aged between 18 - 40 years old has the following objectives:

- To provide skill training and self-development for youths who are unable to continue formal education, and those who are currently unemployed;
- To provide assistance and consultation on job opportunities to both youth and employers; and
- To provide training for youth to build up their capacity to become successful entrepreneurs in the future.

60. Currently the Centre offers nine courses under the Youth Development Programme including ICT; Culinary & Banquet; Cakes & Pastry; Beauty Therapy; Fashion Design & Embroidery; Plumbing & Pipe Fitting; Vehicle Body Repair; Welding Fabrication; Air Conditioning & Refrigeration. It has introduced and conducted a number of new courses in accordance with the requirements of the job market such as Scaffolding Course, Heavy Vehicle Driving Course and Computer Aided Drafting and Design Course.

61. The Centre also conducts several short-term programmes aimed at empowering the youth in the country. The Empowering Programme is designed to help the less fortunate community, especially the recipients of welfare assistance and former ex-drug addicts so that they will be able to use their newly acquired knowledge and skills to seek jobs or open up small businesses with the ultimate goal to improve themselves, alleviate poverty and be independent.

62. The Brunei Darussalam National Service Programme (PKBN) which started with three pilot projects launched in December 2011, is now a full-fledged voluntary programme. It is designed specifically to develop youths, both physically and spiritually, in order to make them more resilient, responsible, and well-disciplined. It focuses on 4 main components, namely: i) Self-Resilience, Nationhood and Religious Component; ii) Physical and Discipline Training Component; iii) Community Service Component; and iv) Entrepreneurship Component.

63. The Programme is seen as a 'holistic' self-identity youth development programme, based on the country's national philosophy of the Malay Islamic Monarchy (MIB). It involves a process of education, learned through 'experiential learning' and 'learning by doing'. The facets of the programme are: non-military training; involvement of all Bruneian citizens and permanent residents both male and female within the age group of 16–21 years old; a multi-disciplinary curriculum and training; and participation of government agencies, private sector, NGOs as well as individuals.

64. Brunei Darussalam celebrates National Youth Day in August every year and a Youth Fund was launched in 2012.

F. Promoting education for all (Recommendations 18, 19, 25 and 27)

65. Brunei Darussalam continues to emphasise education as a key to the country's development. As such, it strives towards quality educational institutions in the aspects of first class infrastructure, excellent human resources, research and development, and efficient and effective management system. With that, Brunei Darussalam has allocated a large portion of its national budget to the education sector.

66. The country achieved improvements in The Education for All Development Index (EDI) for 2011, where it ranked 34 from 127 countries with a high EDI of 0.975.

67. Brunei Darussalam also recognises the long-term benefits towards academic achievement by providing high quality care and early childhood education. Therefore, the country continues to implement its National Education System for the 21st Century by the development of the Strategic Plan 2012-2017.

68. This five-year Strategic Plan endeavours to develop the fullest potential of a child through high quality education. The Ministry of Education has three (3) areas of focus, namely: (i) teaching and learning excellence; (ii) professionalism and accountability; and (iii) efficiency and innovativeness. Several initiatives have been prioritised in the Plan, namely: (i) the Early Childhood Care and Education; (ii) the development of the Brunei Teachers' Standards through international best practices; (iii) transformation of Technical and Vocational Education Training including lifelong learning; and (iv) the Info-communication Technology Education Strategic Blueprint initiative (also known as the *e-Hijrah)*. The Blueprint aims to attain higher levels of literacy among students making the country more efficient and maximising the support of teachers by improving their skills and confidence.

69. The Early Childhood Care and Education programmes aim to enhance the holistic development and well-being of young children. Under the programme, the main services provided are:

- Health Services (0–5 years old);
- Private Child Care Centres (0–3 years old); and
- Government (5 years old) and Non-Government (3–5 years old) Pre-school care and education.

70. Brunei Darussalam is undergoing major reform of its Technical and Vocational Education Training to be better aligned with the social and economic needs of the country and Vision Brunei 2035 in order to cater for the different learning needs of individuals.

71. The *e-Hijrah* works on attaining higher levels of literacy in students through streamlining and maximising the support of teachers by improving their skills and confidence. This initiative will also strengthen the country's global network of other education systems so that they can contribute to and learn from the global education ecosystem.

72. The Brunei Darussalam National Accreditation Council is currently finalising the development of the Brunei Darussalam Qualification Framework which addresses flexible multi-option pathway for adult learners to achieve higher education, taking into account the need to prioritise and utilise resources as efficiently and effectively as possible in all aspects of education and training. It also aims to exceed 90% completion levels of upper secondary education or equivalent by 2017.

73. The Ministry of Education has continuously worked on strengthening the quality of services, such as the Building Improvement of Schools and Infrastructures project; and the building maintenance programme.

74. In January 2012, the country launched an assistance scheme whereby a total of 107 underprivileged students were provided with hostel accommodation to help them attain educational achievement.

G. Access to health services (Recommendations 24 and 25)

75. Brunei Darussalam, through Brunei Vision 2035, continues to emphasise the importance of healthcare as one of the major public investment in human development and enhancing the quality of life of its people. The Ministry of Health is the main agency responsible for the provision, management, delivery and regulatory functions on health in Brunei Darussalam. Comprehensive healthcare is provided through a holistic approach, with particular focus on the improvement of the quality, efficiency, and the effectiveness of service delivery, including support services in the management and administration.

76. Free medical and health care continue to be provided to citizens and includes Maternal and Child Health Services such as vaccination programmes and antenatal screenings.

77. Clinical services also continue to be strengthened and further developed in meeting the needs for health care provision especially at secondary and tertiary levels. The use of up-to-date technology continues to be implemented with the acquisition of new equipment that support in providing more effective and efficient health care.

78. In tandem with the development of clinical services, other support services such as laboratory services, pharmaceutical services and other allied health services are also in place to ensure a holistic approach in health care delivery. Furthermore Rehabilitation Services within the hospital and primary healthcare set-up is also provided in order to elevate the standard of care to patients with rehabilitative needs. The Medical Social Workers Section also plays an important role in providing support services to patients and their families who are in need of support related to socio-economic and psycho-social issues. This will assist with the patients' reintegration back into the community.

79. Brunei Darussalam attained the status of 'Malaria Free' in 1987 by the World Health Organization (WHO) and since then has continued its surveillance through the Malaria Vigilance and Vector Control Unit under the Ministry of Health. In 2000, Brunei Darussalam was also declared Polio Free and has started its programme on the elimination of Lymphatic Filariasis in February 2013. Since June 2011, steps have also been taken to eliminate Hepatitis B in Brunei Darussalam by carrying out research on the status of Hepatitis B contraction and measles immunity among children.

80. For the past two years, initiatives and programme continued to be implemented in supporting Brunei Vision 2035 and the Ministry of Health Vision 2035 as well as aligning and adapting to regional and international strategies and guidelines:

- Continuously promoting the importance of a healthy lifestyle through various initiatives such as the 'National Physical Activities Guidelines', the 'healthy lifestyle programme', the 'healthy lifestyle clinic', and the *'Mukim Sihat'* programme;
- October 2011: Launching of the Brunei National Programme for Prevention of Diabetic Blindness – Ten Year Strategic Plan: 2011-2020;
- Launching of the Brunei Darussalam Healthcare Information Management System (Bru-HIMS) in 2012, as well as acquisition of high technology equipment such as MRI Scanner, CT Scanner, and Mammograms for diagnosis and therapy;

- In January 2012, the National Human papillomavirus Vaccination Programme was introduced, which is another preventative strategy to reduce cervical cancer morbidities and mortalities in the country;
- Establishment of the National Pap Smear Registry to screen for cervical cancer amongst women;
- The childhood national immunisation programme (0-5 years) was upgraded with the addition of booster doses to ensure prolonged immunity, in-line with the 66th Session of the World Health Assembly (WHA) recommendation[8]. The school entry immunisation requirement was also implemented to ensure higher population immunity. In essence, the national immunisation programmes has reached above 95% coverage;
- Publication of the first phase of the National Health and Nutritional Status Survey, Brunei Darussalam 2009-2011;
- Amendment of the Tobacco Prohibition in Certain Places Notification, enforced in 2012, which aims to reduce the risk factors of exposure to tobacco smoke particularly amongst the public and the environment. In addition, the Tobacco (Labelling) (Amendment) Regulations 2012, enforced in September 2012, mandated the pictorial health warning on cigarettes to be increased by 75%;
- The 'Appreciation Program for the Best Services' was introduced for health clinics, health centres, hospital wards, and medical specialist clinics as part of the initiative to better monitor and enhance the quality of service in health institutions.

81. In April 2011, Brunei Darussalam launched its Health Promotion Blueprint 2011-2015, as part of the strategies to address health issues focusing on promoting healthy lifestyle. The Blueprint includes establishing and strengthening 'Health in All Policies' across government agencies, as ratified at the 8th Global Conference on Health Promotion, Helsinki, June 2013; development of health promotion programmes; and enhancing inter-sectorial collaboration between government agencies, the private sector, NGOs, civil societies, and communities. The Blueprint will become an integral part of the National Multisectoral Plan for Non-Communicable Diseases Prevention and Control 2013-2018, which has been expanded to meet the more comprehensive goals of the National Non-Communicable Diseases Plan.

82. The Brunei Darussalam National Multisectoral Action Plan for the Prevention and Control of non-communicable diseases 2013-2018 has been developed with its goal to fully align Brunei Darussalam to the global target of 25% relative reduction in premature mortality from non-communicable diseases by 2025 which would be translated to 18% relative reduction by 2018.

83. Under the 9th National Development Plan 2007-2012, the Ministry of Health has implemented projects in upgrading and development of new infrastructures which includes new health centres; National Isolation Centre for Pandemic; new dialysis centre in Tutong district; expansion of the psychiatry unit; new extension block for the Ministry of Health's main building; a dedicated block for women and children at Raja Isteri Pengiran Anak Saleha (RIPAS) Hospital; and the extension of scientific services laboratories. More infrastructures are being developed in the coming years including upgrading and expansion of the RIPAS Hospital, the new Department of Pharmaceutical Services building, State Medical Store, Child development Centre, the National Dental Centre and several health centres.

84. To improve health outcomes and to fill in gaps and optimise facilities and human resource utilisation focusing on sustainable health system, universal health coverage, efficient health system models and quality service delivery, the Ministry of Health is

developing a comprehensive Brunei Darussalam Health System and Infrastructure Master Plan which is due to be completed in early 2014.

85. Brunei Darussalam aims to address the care and treatment of mentally disordered people in a patient-centred and holistic manner. Considerations are being made to the country's law where it encompasses specific provisions for special categories of patients such as mentally disordered offenders and those lacking capacity to consent for treatment. It also sets the requirement for standards of care and treatment of patients and its facilities.

H. Adequate housing

86. Under the 10th National Development Plan 2012-2017, the National Housing Programmes continue to constitute an important agenda with the aim to fulfil the hopes, needs and aspiration of its low to middle income citizens and permanent residents to own and occupy quality, safe and affordable housing. Since 2009, construction under the National Housing Scheme has increased by more than 30%, reducing home ownership waiting time. As of 2012, the Scheme contributes to more than 40% of total housing and has reached about 50% of NHS applications. By 2014, the Scheme is projected to fulfil more than 60% of its total applications.

87. The adoption and application of construction innovation through industrial building system has expedited large scale and better quality control housing construction based on environmentally friendly and efficient resource utilisation principles.

88. The housing assistance for the poor and destitute project, implemented under a special committee[9], aims to provide housing for disadvantaged families. The project involves construction of new houses as well as restoring dilapidated house of those who are eligible after assessment done by the committee. Agencies such as the Islamic Religious Council and the Yayasan Sultan Haji Hassanal Bolkiah also continue to assist in providing homes for those in need.

89. Brunei Darussalam has also introduced various financing schemes that include the house purchase financial assistance, loan for land purchase and a housing saving scheme, which has made home ownership more affordable for its citizens.

I. Trafficking in persons (TIPs)

90. In August 2011, Brunei Darussalam established a Heads of Specialist Trafficking Unit[10] to address TIPs-related issues. Brunei Darussalam also established the Human Trafficking Investigation Unit, under the Royal Brunei Police Force to specialise in investigating TIPs offences in accordance to the Trafficking and Smuggling in Persons Order, 2004. Standard Operating Procedures have also been developed to outline procedures by which TIPs investigations will be conducted.

91. The country has demonstrated progress in its anti-trafficking law enforcement efforts in recent years by increasing capacity building, inter-agency coordination, as well as seeking technical assistance. Relevant officials have also attended various meetings related to People Smuggling, TIPs and related Transnational Crime.

92. In early 2012, the Government of Brunei Darussalam enacted several amendments to the Penal Code (Sections 294B and 377F) in order to further curb commercial sexual exploitation among children. The Trafficking and Smuggling of Persons Order 2004 also prohibits both sex and labour trafficking, which carries stringent punishments of up to 30 years' imprisonment.

93. Since 2012, in an effort to prevent labour trafficking, the Department of Labour, Ministry of Home Affairs introduced licensing requirements for all labour recruitment agencies, which involve a monetary deposit as well as company-wide and individual background checks. In January 2012, the Employment Agencies Order 2004 was fully implemented in the country and provides for comprehensive measures to further stabilise security, welfare, safety and the protection of workers' rights by taking into account the standards of the International Labour Organization.

94. The Employment Order 2009, which covers both local and foreign employees, incorporates aspects such as legal action in the event of non-payment of salary, worker health, accommodation, medical care standards as well as responsibility for repatriation expenses. The Department of Labour and the Department of Immigration and National Registration conducted nationwide road shows to publicise workers' rights and various indicators of forced labour, such as non-payment of wages. Campaigns have been held to raise awareness of and encourage compliance with labour and immigration laws.

J. Capacity building (Recommendations 9, 10, 12, 29, 30, and 33)

95. Brunei Darussalam has participated in a number of regional and international events pertaining to human rights, namely:

- Anti-trafficking training course, organised by the Government of Malaysia and the Commonwealth Secretariat to increase the awareness of and respect for human rights in policing;
- A 4-day workshop entitled "World Health Organization-International Classification of Functioning, Disability, and Health";
- A ministerial level APEC Women and the Economy Forum where participants discussed women's participation in the economy, particularly on innovative economy, business opportunity and human capital;
- A workshop on the Geneva Conventions Order 2005 and International Humanitarian Law in conjunction with the International Committee of the Red Cross (ICRC) Regional Delegation in Kuala Lumpur;
- An Awareness Forum on Convention on Elimination Discrimination Against Women organised by the Council of Women of Brunei Darussalam, followed by a 2-day seminar on "Empowering Women's Involvement in ASEAN development";
- Workshops relating to Convention on the Rights of Persons with Disabilities organised by the National Empowerment Office, Royal Thai Government, and The United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP);
- Regional training on "Crimes on Minors linked to Domestic Violence and Specifically on Victims of Human Trafficking", jointly organised by the Royal Brunei Police Force & *Service De Cooperation Technique Internationale de Police*;
- First and second ASEAN Immigration Course for senior immigration officers on Fraudulent Document and Anti-Trafficking;
- The Bali Process Technical Experts Workshop on TIPs and the Bali Process Forum on advancing regional cooperation on TIPs; and
- An ASEAN TIPs Training Workshop held in Singapore in October 2013.

96. Since 1995, Brunei Darussalam has offered scholarships for international students to pursue higher level education in various academic institutions in the country. Nearly 400

scholarships have been granted to students from over 63 countries in Asia, Africa, and European regions, to pursue further studies at Universiti Brunei Darussalam (UBD), Universiti Islam Sultan Sharif Ali (UNISSA), and Institut Teknologi Brunei (ITB).

97. In June 2012, a Memorandum of Understanding on a five-year Brunei-U.S. English Language Enrichment Project for ASEAN was signed between UBD and the East-West Centre. The US$25 million project, funded by the Government of Brunei Darussalam, aims to strengthen the use of the English language amongst ASEAN members as a means to facilitate ASEAN integration. The main content of the project is an 11-week English language enrichment programme. Since 2012, more than 120 officers, diplomats, and teachers from ASEAN countries have participated in the programme. The project is also complemented by two other initiatives: i) English as a Foreign Language Fellows Exchange Programme; and ii) UBD and U.S. exchange of senior and junior staff.

98. In July 2013, the East Asia Summit Foreign Ministers' Consultation was held whereby Ministers had welcomed Brunei Darussalam's offer of scholarships for an 18-month Master of Public Policy and Management (MPPM) programme, which would commence on 27 December 2013 at UBD.

99. Over the years, Brunei Darussalam has also been active in providing assistance to several Least Developed Countries, including Landlocked Developing Countries and Small Island Developing States. The country's assistance ranges from financial support to reconstruction projects and technical cooperation. Since 1985, Brunei Darussalam has contributed more than GBP13 million to the Commonwealth Fund for Technical Cooperation (CFTC) and actively participated in its activities. The CFTC supports cooperation that draws on the skills and expertise of all its membership to help countries put in place sustainable solutions to key national development challenges.

100. Through the Commonwealth Secretariat Strategic Plan (2013-2017), the CFTC provides various technical assistance to member states which includes engaging constructively with international and regional human rights mechanisms such as the UPR process, and help members implement UPR outcomes.

101. Brunei Darussalam has also participated in various programmes organised by regional and international bodies such as the AICHR, ASEAN Committee on Women, Non-Aligned Movement Institute for the Empowerment of Women and the Commonwealth. It also works with the UN Women through the ASEAN framework, in terms of accessing technical assistance on innovative programmes and strategies to foster women's empowerment and gender equality. The Government of Brunei Darussalam will continue its efforts to participate in capacity building programmes in regional and international bodies as a means to gain and share knowledge, information, experience and best practices.

K. Promoting cultural understanding *(*Addressing recommendation 5, 6, and 31)

102. Islam is the official religion and a way of life for the people of Brunei as enshrined in the 1959 Constitution and again reflected in the Constitution's amendment in 2004. As such, the activities of the society in Brunei Darussalam revolve around its Malay culture and Islamic faith. However, non-Muslims can practise their religions in peace and harmony and this provision is also enshrined in the Constitution.

103. Brunei Darussalam's history depicts very harmonious inter-religious and inter-cultural relations, which can be witnessed especially during the "Eid" celebration in the country when all Muslims have their "open house" and everyone is welcomed. Likewise,

similar practice has been observed during the Chinese New Year celebration. This practice and tradition contributes towards the strengthening of social harmony and promotes friendship and understanding amongst communities in the country.

104. Brunei Darussalam also supports any programmes related to religious harmony, in line with the Constitution of Brunei Darussalam and Islamic principles. Furthermore, Brunei Darussalam has in place relevant provisions under Chapter XV of the Penal Code (CAP 22) which relates to the peaceful practice of religions in this country.

105. In June 2012, Brunei Darussalam became a member of the United Nations Alliance of Civilizations (UNAOC) Group of Friends, in support of its efforts to promote better understanding among different faiths and civilisations. Brunei Darussalam underlines the importance of harmonious relations among different races and faiths to ensure continued peace and stability in the country. The country also continues to participate in meetings related to interfaith dialogue and encourages government officers and leaders of religious communities to attend international interfaith meetings.

L. Cyber security (Recommendation 23)

106. With the rise of global internet-related sex crimes, the Attorney General's Chambers (AGC) made several new amendments to the Penal Code to prevent the growing number of sexual offences that use technology as a medium. Those above the age of 21 who are on the prowl in the Internet or otherwise under false pretences and subsequently meet and travel to meet persons under the age of 16 with the intention of committing sexual offences can be charged for Sexual Grooming (Section 377G) while new offences of possession of an indecent photograph of a child (Section 293A) and the taking, distribution, showing, advertisement and access of indecent photograph of a child (Section 293B) aims to put a stop to the activities of those who are gratified by child pornography. Other new offences such as Voyeurism (Section 377G) and the printing and publication of voyeuristic recordings (Section 377I) have also been introduced to address the use of platforms like social networking to disseminate such recordings.

107. In March 2013, the Child Online Protection National Strategy Framework for Brunei Darussalam was set up, consisting of a sound research base and monitoring system; capacity building for raising awareness; strengthening existing legal measures; international cooperation; and working with relevant industries. In compliance with the International Telecommunication Union (ITU) COP global initiative, the Framework will address the practical and effective measures for tackling children online based on the five (5) pillars of the ITU COP, namely: Legal Measures; Technical & Procedural Measures; Organisational Structures; Capacity Building; and International Cooperation. Awareness Programmes on COP; Cyber Security; and Internet Etiquette have also been conducted in the country.

108. In June 2012, Brunei Darussalam attended the ASEAN Conference on "Working towards a Cyber Pornography and Cyber Prostitution-Free Southeast Asia" held in Manila, Philippines, which aimed to understand the dynamics and realities of cyber pornography and cyber prostitution. This is in order to develop a more comprehensive and responsive intervention to address the issue through sharing regional experiences; developing a regional agenda; and recommending regional mechanisms to combat cyber pornography and cyber prostitution.

M. Non-governmental organisations (NGOs)

109. Consultations with the NGOs[11] are held regularly as partners in human rights-related matters including the formulation of legislation and implementation of relevant

programmes. Brunei Darussalam works closely with NGOs in enhancing awareness on human rights related issues in the country, namely through educational preventive programmes; road shows; awareness campaigns; fund-raising activities; and talks to the community and institutions. Outreach programmes are conducted in conjunction with women, youth groups, uniformed personnel and government officers.

V. Challenges, constraints and national priorities

110. To achieve a sustainable economic development and growth, the challenge specific to Brunei Darussalam is to ensure that existing policies will be implemented towards Brunei Vision 2035. Brunei Darussalam thus needs to ensure that continuous efforts are undertaken in areas such as developing its human capital through education and training; protecting and empowering the vulnerable such as the poor and women; ensuring food security; continued vigilance in containing physical and disease threats as well as safeguarding the environment.

111. The challenges faced by Brunei Darussalam in its efforts to further promote and protect human rights in the country include:

Education

- There is a need for technical assistance from UNESCO and other EFA partners to conduct activities such as assessment, monitoring and evaluation of pre-school education initiatives at the regional level for collaborative projects between UNESCO, SEAMEO and ASEAN.

Healthcare

- While the Government continues to provide scholarships to students to study Medicine, there remain a shortage of qualified local health personnel in the country such as doctors, nurses and other allied health professionals.

Probation

- There is a need for probation officers to enhance their skills and knowledge to better manage both youth and adult offenders where new programmes need to be developed.
- There is also a need for probation officers and supporting agencies to undergo training or perform work attachments, including: standard operating procedures for youth and adult probation services; case management of probationers; and rehabilitative programmes for youth and adult probationers.

112. Brunei Darussalam looks forward to being able to share experiences, expertise and upcoming events, programmes and training from the international community.

VI. Conclusion

113. It is the continued goal of Brunei Darussalam to promote, protect, and enhance awareness of the basic rights and needs of its people. The Government of His Majesty the Sultan and Yang Di Pertuan of Brunei Darussalam has placed stronger emphasis in promoting human rights by ensuring the provision of the right to basic standards in healthcare, education, food, shelter and welfare of the people. In Brunei Vision 2035, one of the strategies for its realisation is on social security strategy, namely to ensure the nation

prospers and that all citizens are properly cared for. Thus, it is the hope of the Government to have its people free from hunger, poverty and diseases.

Notes

[1] The Inter-agencies consist of the Prime Minister's Office (PMO), Attorney General's Chambers (AGC), Ministry of Foreign Affairs and Trade (MOFAT), Ministry of Education (MOE), Ministry of Religious Affairs (MORA), Ministry of Home Affairs (MOHA), Ministry of Health (MOH), Ministry of Development (MOD) and Ministry of Culture, Youth and Sports (MCYS).

[2] The Committee is chaired by the Deputy Minister of Home Affairs. The Labour Commissioner will be appointed as the Commissioner of Workplace Safety and Health; the Energy Department will be responsible for enforcement in the oil and gas sector; MOD for the construction and development industry; and MOH for workplace health.

[3] The Special Committee is chaired by MCYS while its Vice-Chair and Secretary are the Deputy Minister and Permanent Secretary at the MCYS respectively. Members of the Special Committee include Permanent Secretaries at the PMO, Ministry of Finance (MOF), MOE, MOH, MORA and MOHA; the Royal Brunei Police Commissioner; the Director General of Civil Service; and representatives from AGC, the Syari'ah Court and the Council of Women of Brunei Darussalam (CWBD). The Department of Community Development (DCD) is the Secretariat of the Special Committee.

[4] The Unit works with the MORA, the Narcotics Bureau (NCB), and the Royal Brunei Police Force (RBPF), to provide a more comprehensive and effective rehabilitation programme.

[5] Composition of the Action Team: The Permanent Secretary, MCYS (Chairman); The Director of Schools or his representative; The Director of Syariah Affairs or his representative; The Attorney General or his representative; The Commissioner of Police or his representative; The Director of Immigration and National Registration or his representative; The Registrar of the Syariah High Court or his representative; The Chief Executive Officer of RIPAS Hospital or his representative; and a Medical Officer from the Paediatric Clinic of RIPAS or his representative.

[6] The four (4) universities in Brunei Darussalam are: Universiti Brunei Darussalam (UBD), Institut Teknologi Brunei (ITB); Universiti Sultan Sharif Ali (UNISSA); and Kolej Universiti Perguruan Ugama Seri Begawan (KUPUSB).

[7] The Special Committee is chaired by MCYS while its Vice-Chair and Secretary are the Deputy Minister and Permanent Secretary at the MCYS respectively. Members of the Special Committee include Permanent Secretaries at the PMO, MOE, MOH, MORA, MOHA, Ministry of Finance (MOF), Ministry of Communication (MOC) and MOD; as well as representatives from the CWBD and the Council of Community Welfare. The DCD is the Secretariat of this committee.

[8] Polio Eradication and Endgame Strategic Plan 2013–2018 of the 66th World Health Assembly (WHA).

[9] The committee, which is co-ordinated by PMO, consists of MOD, MOHA, The Islamic Religious Council of Brunei Darussalam, and MCYS.

[10] The HSU is an ad-hoc inter-agency task force, comprising of representatives from the PMO, RBPF, MOHA, the Department of Labour, DCD, the Department of Immigration and National Registration, and MCYS.

[11] The Association of Handicapped Children (KACA); Paraplegic and Physically Disabled Association (PAPDA); Pusat Ehsan Al-Ameerah Al-Hajjah Maryam (Pusat Ehsan); Society for the Management of Autism Related Issues – in Training, Education and Resources (SMARTER); Special Olympics Brunei Darussalam (SOBD); Brunei Darussalam National Association for the Blind (BDNAB); Learning Ladders Society; Persatuan Orang Kurang Pendengaran (OKP) for those with Hearing disability / Impairment (HI); Persatuan Sindrom Down (Down Syndrome Society); FITRAH; and La Vida Limited.

United Nations A/HRC/WG.6/19/BRN/2

General Assembly

Distr.: General
12 February 2014

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Nineteenth session
28 April–9 May 2014

Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Brunei Darussalam

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full text, please refer to the document referenced. The present report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

GE.14-10931

1410931

Please recycle

I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Ratification, accession or succession	CEDAW (2006)		ICERD
	CRC (1995)		ICESCR
	OP-CRC-SC (2006)		ICCPR
	CRPD (signature only, 2007)		ICCPR-OP 2
			CAT
			OP-CAT
			OP-CRC-AC
			ICRMW
			CPED
Reservations, declarations and/or understandings	CEDAW (General reservation, including arts. 9, para. 2 and 29, para.1, 2006)		
	CRC (General reservation, including arts. 14, 20 and 21, 1995)		
Complaint procedures, inquiry and urgent action[3]			ICERD
			OP-ICESCR
			ICCPR
			ICCPR-OP 1
			OP-CEDAW
			CAT
			OP-CRC-IC
			ICRMW
			OP-CRPD
			CPED

Other main relevant international instruments[4]

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Geneva Conventions of 12 August 1949 and Additional Protocols I and II[5] ILO fundamental convention No.138[6] UNESCO Convention against Discrimination in Education	ILO Convention No. 182[7]	Palermo Protocol[8] Convention on the Prevention and Punishment of the Crime of Genocide ILO fundamental conventions except Nos.138 and 182[9] Conventions on refugees and stateless persons[10] Rome Statute of the International Criminal Court ILO Conventions Nos. 169 and 189[11] Additional Protocol III to the 1949 Geneva Conventions[12]

1. While noting the general reservations of the Government of Brunei Darussalam to CRC and CEDAW, the Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that the Government review its broad reservations to those treaties, in order to improve its accountability for international obligations, and review national legislation in conformity with the above-mentioned conventions and international obligations.[13]

2. The United Nations Economic, Social and Cultural Organization (UNESCO) stated that Brunei Darussalam had been party to the 1960 UNESCO Convention against Discrimination in Education since 1985. However, it did not report to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the sixth consultation of member States (covering the period 1994–1999), seventh consultation of member States (covering the period 2000–2005) and eighth consultation of member States (covering the period 2006–2011).[14]

3. UNESCO also stated that the Government of Brunei Darussalam had recently taken important steps towards protecting cultural rights through the ratification of the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage and the 2003 Convention for the Safeguarding of Intangible Cultural Heritage.[15]

4. UNHCR stated that, notwithstanding the fact that there were currently no asylum seekers and refugees in the country, accession to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and the establishment of a national legal framework would establish a clearer basis for the Government of Brunei Darussalam to provide refugees with international protection should anyone seek asylum there in future. In that connection, UNHCR recommended that Brunei Darussalam accede to the Convention and its Protocol and enact a national refugee law to establish procedures for the determination of refugee status and spell out the rights of refugees in the country.[16]

5. UNHCR also stated that Brunei Darussalam was not a party to the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. Accession to those conventions would establish a stronger framework to prevent and reduce statelessness and avoid the detrimental effects of statelessness on individuals and society by ensuring minimum standards of treatment for stateless persons.[17]

B. Constitutional and legislative framework

6. UNESCO noted that the 1959 constitution of Brunei Darussalam, as last amended in 2008, did not guarantee the right to education. It did not contain any provision regarding education or the principle of non-discrimination.[18]

7. UNESCO also noted that the basic legislative framework for education in Brunei Darussalam consisted of the Education (Non-Government Schools) Act (chapter 55), 1984, which was repealed by the Education Order of 31 December, 2003; the Compulsory Education Order, 2007; the Child Care Centre Order, 2006; and the Education (Brunei Board of Examinations) Law, 1984.[19]

C. Institutional and human rights infrastructure and policy measures

8. While noting the efforts of Brunei Darussalam to register births, UNHCR recommended that the Government of Brunei Darussalam continue its outreach programme, under which it made presentations related to birth registration, and evaluate if more areas of the country needed to be covered or more steps taken to ensure access to universal birth registration.[20]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies[21]

Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CEDAW	–	2013	–	Initial and second report pending consideration
CRC	October 2003	–	–	Second and third reports overdue since 2008. Initial OP-CRC-SC report overdue since 2008.

B. Cooperation with special procedures[22]

	Status during previous cycle	*Current status*
Standing invitation	No	No
Visits undertaken	None	None
Visits agreed to in principle	None	None

	Status during previous cycle	*Current status*
Visits requested	None	None
Responses to letters of allegations and urgent appeals	*During the period under review one communication was sent. The Government did not reply to that communication.*	

III. Implementation of international human rights obligations

A. Equality and non-discrimination

9. UNHCR noted that under the Brunei Nationality Act, only fathers could confer their nationality on their children. In that connection, UNHCR recommended that Brunei Darussalam reform the Nationality Act to address the concerns of the Committee on the Rights of the Child regarding equality between women and men in their ability to confer their nationality on their children.[23]

B. Right to life, liberty and security of the person

10. In its direct request adopted in 2011, the ILO Committee of Experts on the Application of Conventions and Recommendations requested the Government to redouble its efforts to ensure the effective monitoring of the sale and trafficking of children and to provide information on measures taken to strengthen the capacity of immigration officials to combat the trafficking of children. It also requested the Government to provide information on the application of the provisions of the Trafficking and Smuggling of Persons Order prohibiting the sale and trafficking of children including, in particular, statistics on the number and nature of violations reported, investigations, prosecutions, convictions and penalties imposed.[24]

11. In its direct request, the Committee of Experts noted that Brunei Darussalam did not have a proactive system to formally identify victims of trafficking among vulnerable groups, such as foreign workers and foreign women and children in prostitution, and that the Government had not implemented training for its officials on identifying trafficking victims. It also observed that children of migrant workers were at increased risk of becoming victims of sale and trafficking and requested the Government to take effective and time-bound measures to ensure that this group of children were protected from that worst form of child labour.[25]

12. The Committee observed that the use of children under 18 years for prostitution, i.e. by a client, did not seem to be prohibited. Furthermore, it observed that only the procuring and offering of girls under 18 years of age appeared to be prohibited by national legislation. The Committee reminded the Government that article 3 (b) of ILO Convention No. 182 required member States to ensure that the use, procuring or offering of both boys and girls under 18 years of age for prostitution is strictly prohibited. The Committee therefore requested the Government to take the necessary measures to ensure that the use, procuring or offering of both boys and girls under the age of 18 for the purpose of prostitution was prohibited.[26]

13. The Committee also noted that there did not appear to be a provision in national laws specifically prohibiting the use, procuring or offering of a child for the production of pornography or pornographic performances, as required by article 3 b) of Convention No. 182. The Committee requested the Government to indicate the measures taken or envisaged

to ensure that the use, procuring or offering of boys and girls under 18 years of age for the production of pornography or pornographic performances was prohibited.[27]

14. Furthermore, the Committee requested the Government to take the necessary measures to ensure that sufficient up-to-date data on the prevalence of the worst forms of child labour in the country is made available, particularly with regard to child trafficking. It also requested the Government to provide that information and any additional available information on the nature, extent and trends of the worst forms of child labour and the number of children protected by the measures giving effect to Convention No. 182. To the extent possible, the information should be disaggregated by age and sex.[28]

C. Freedom of expression

15. UNESCO noted that freedom of expression and press freedom were limited in Brunei Darussalam by various legal provisions. The Local Newspapers Order (1958/2001) made it mandatory to obtain annual publishing permits from the Minister of Home Affairs for starting a newspaper. The Minister could refuse, suspend or revoke licences without giving a reason and those decisions were not subject to appeal or judicial review.[29]

16. UNESCO noted that the Sedition Act included a penalty of up to three years of imprisonment for publishing materials with seditious intentions, including materials critical of the royal family. It also noted that the Undesirable Publication Act empowered the Minister to prohibit importation or sales of publications deemed to be against the public interest. Additionally, the Internal Security Act allowed the authorities to detain an individual without charge or trial for a period of up to two years, which could be further lengthened indefinitely in the name of maintaining public order.[30]

17. UNESCO also noted that, under article 500 of the penal code, defamation was criminalized by up to five years' imprisonment and a fine.[31]

18. UNESCO recommended that Brunei Darussalam implement reforms to bring its laws and practices into line with international standards for press freedom and freedom of expression, including the Sedition Act, the Local Newspapers Order (1958/2001), the Undesirable Publication Act, the Internal Security Act and the penal code. UNESCO also recommended that Brunei Darussalam be encouraged to begin introducing a freedom of information law in line with international standards and introduce self-regulatory mechanisms for the media.[32]

D. Right to work and to just and favourable conditions of work

19. The ILO Committee of Experts reminded the Government that, under article 3 (d) of ILO Convention No. 182, children under 18 years of age should not perform work, which by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals and that this applies to both industrial and non-industrial undertakings. The Committee requested the Government to take the necessary measures to develop and adopt a list determining the types of hazardous work prohibited for persons under 18 years of age, in consultation with the organization of employers and workers concerned. In this regard, the Committee also requested the Government to indicate whether the Minister of Labour had declared any industrial undertaking to be an undertaking in which no young person shall be employed.[33]

20. While noting information from the Government that the National Children's Council, established and officially launched in 2001, is responsible for monitoring the rules and regulations pertaining to children, the Committee requested the Government to provide

information on the role of the Council with regard to the prevention and elimination of the worst forms of child labour and on the results achieved.[34]

E. Right to education

21. UNESCO noted that the right to education was highlighted in the Education Policy, 1992, whereby at least 12 years education is offered for all children: 1 year of pre-school, 6 years of formal primary education, 3 years of lower secondary and 2 years of upper secondary or vocational/technical education.[35]

22. UNESCO recommended that Brunei Darussalam be encouraged to implement awareness-raising projects and activities to combat discriminatory attitudes, promote the right to education for all and further its efforts to promote human rights education and training.[36]

F. Cultural rights

23. According to UNESCO, one key challenge for Brunei Darussalam concerns the need to increase the capacity of key stakeholders, especially community members, Government, non-governmental organizations (NGOs) and other organizations, regarding the mechanisms for safeguarding its tangible and intangible cultural heritage. This is especially the case with regard to the protection of the intangible cultural heritage, where Brunei Darussalam faces a number of challenges, including acquiring sufficient national funds and the expertise available for the specific area of the protection of its intangible cultural heritage and the need to develop legal and institutional frameworks to safeguard it and create greater capacity and knowledge among governmental staff, NGOs and community groups involved in its protection.[37]

G. Migrants, refugees and asylum seekers

24. UNHCR noted Government reports that there were no asylum seekers or refugees in the country. As of 30 December 2012, the Government reported a stateless population of 21,009 persons.[38] UNHCR also noted that since 2012, the Government had shared statistics with it on the number of registered stateless people, who are permanently resident in the country, including the numbers of stateless people who have acquired Brunei Darussalam nationality.[39]

25. As such, UNHCR welcomed the steps that the Government of Brunei Darussalam was taking to facilitate the integration and naturalization of stateless persons who are permanent residents. It was reported that 2,420 stateless persons acquired Brunei Darussalam citizenship between the beginning of 2009 and the end of 2012 as a result.[40]

Notes

[1] Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Brunei Darussalam from the previous cycle (A/HRC/WG.6/6/BRN/2).

[2] The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination

ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art.5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

[4] Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Brunei Darussalam from the previous cycle (A/HRC/WG.6/6/BRN/2).

[5] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

[6] International Labour Organization Convention No. 138 concerning Minimum Age for Admission to Employment..

[7] International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

[8] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[9] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation.

[10] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating

to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

[11] International Labour Organization Convention No.169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No.189 concerning Decent Work for Domestic Workers.

[12] Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).

[13] Submission by UNHCR, p. 6.

[14] Submission by UNESCO, para. 9.

[15] Ibid., para. 13.

[16] UNHCR, p. 3.

[17] Ibid., p. 3.

[18] UNESCO, para. 2.

[19] Ibid. para. 3.

[20] UNHCR, p. 5.

[21] The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Committee on the Rights of Persons with Disabilities
CED	Committee on Enforced Disappearances
SPT	Subcommittee on Prevention of Torture.

[22] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.

[23] UNHCR, p. 4.

[24] See http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2700676:NO, visited on 14 November 2013.

[25] Ibid.

[26] Ibid.

[27] Ibid.

[28] Ibid.

[29] UNESCO, para. 15.

[30] Ibid., paras. 16–18.

[31] Ibid., para. 19.

[32] Ibid., paras. 28–30.

[33] See http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2700676:NO.

[34] Ibid.

[35] UNESCO, para. 5.

[36] Ibid., paras. 24 and 25.

[37] Ibid., para. 14.

[38] UNHCR, p. 1.

[39] Ibid.

[40] Ibid., p. 2.

United Nations A/HRC/WG.6/19/BRN/3

General Assembly

Distr.: General
29 January 2014

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Nineteenth session
Geneva, 28 April-9 May 2014

Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Brunei Darussalam*

The present report is a summary of 2 stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

GE.14-10623
1410623

Please recycle

Information provided by other stakeholders

Implementation of international human rights obligations

1. Right to life, liberty and security of the person

1. CRIN stated that in Brunei Darussalam, children may be lawfully sentenced to life imprisonment and corporal punishment for offences committed while under the age of 18. More specifically, CRIN noted that there was no explicit prohibition on life imprisonment for persons under the age of 18 in Brunei Darussalam and children could be sentenced to detention at the pleasure of His Majesty the Sultan and Yang di-Pertuan, an indeterminate sentence that may extend for the rest of a person's life.[2]

2. CRIN noted that corporal punishment in the form of whipping was lawful as a sentence for males convicted of a criminal offence. For boys below the age of 18, only the High Court is empowered to order the penalty.[3]

3. In this connection, CRIN specified that the Penal Code provided for the sentence of whipping for a wide range of offences. Whipping was also permitted as a criminal penalty under the Children Order 2000, the intoxicating Substances Act 1992, the Arms and Explosives Act 1927 and Rules 1928, the Misuse of Drugs Act 1978, the Public Order Act 1983, the Kidnapping Act 1992 and the Women and Girls Protection Act 1972. CRIN further stated that the Common Gaming Houses Act 1920 contained a specific provision for the whipping of young boys. The Unlawful Carnal Knowledge Act 1938 punished extra-marital carnal knowledge of a girl under 16 by whipping up to 12 strokes of the rattan for a youthful offender.[4]

4. In addition, CRIN noted that persons aged 8 to 17 might be whipped up to 18 strokes under the Criminal Procedure Code. The whipping must be inflicted on the part of the body directed by the Permanent Secretary, Office of the Prime Minister, and, for a youthful offender, with a light rattan "in the way of school discipline". Whipping should not be imposed on females. A medical officer or hospital assistant must be present and must certify that the offender is fit to receive the punishment.[5]

5. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that since the previous review in 2009, there had been no change in the legality of corporal punishment of children: it remains lawful in the home, in schools, in the penal system – as a sentence for crime and as a disciplinary measure in penal institutions – and in alternative care settings.[6]

6. According to GIEACPC, Article 89 of the Penal Code 1951 states that, with certain exceptions, "nothing which is done in good faith for the benefit of a person under 12 years of age by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to that person". Article 28 of the Children and Young Persons Act 2006 (in force 2010) punishes child abuse which causes injury, which under article 2 must be "substantial and observable." As such, GIEACPC noted that the Act did not prohibit all corporal punishment.[7]

7. GIEACPC further noted that corporal punishment was lawful for boys. During the UPR in 2009, the Government stated that corporal punishment had been prohibited in schools since 1984. However, the Education (School Discipline) Regulations 2004, under the Education Act 2003, prohibited corporal punishment for girls but it provided that "corporal punishment of male pupils by a teacher or other member of the staff shall be in

accordance with and subject to a directive on corporal punishment issued by the Ministry" and "a record of all punishments imposed or meted out shall be kept confidential in a form approved by the Registrar General". According to article 6, "the power of inflicting corporal punishment shall not be delegated to any person other than a registered teacher". The Compulsory Education Act 2007 and the Compulsory Religious Education Act 2012 are silent on the issue.[8]

8. In addition, GIEACPC stated that corporal punishment was explicitly prohibited in child care centres in article 17 of the Child Care Centres Act 2006. But there was no prohibition of corporal punishment in other forms of care.[9]

9. CRIN recommended that Brunei Darussalam: 1) explicitly prohibit sentences of corporal punishment and life imprisonment in Brunei Darussalam, including detention at the Pleasure of His Majesty the Sultan and Yang Di-Pertuan, under all systems of justice and without exception to ensure full compliance with international standards; 2) raise the minimum age of criminal responsibility; and 3) provide disaggregated data about sentences handed down to children by offence committed and date, as well as information about children in detention, including gender, age and length of time spent in pre-trial detention in each case.[10]

10. GIEACPC recommended that legislation be enacted in Brunei Darussalam to explicitly prohibit corporal punishment of children in all settings, including the home, as a matter of priority.[11]

2. Administration of justice and the rule of law

11. CRIN further noted that the main laws governing juvenile justice are the Penal Code 1952, the Criminal Procedure Code 1951 and the Children and Young Persons Order 2006. In addition, CRIN stated that the Children and Young Persons Order defined a child as those under 14 years of age, a juvenile as aged 7-17 and a young person as 14-17. The Criminal Procedure Code defined a youthful offender as those between 8-17 years of age. The minimum age of criminal responsibility was set at 7.[12]

12. CRIN recommended that Brunei Darussalam: 1) raise the minimum age of criminal responsibility; and 2) provide disaggregated data about sentences handed down to children by offence committed and date, as well as information about children in detention, including gender, age and length of time spent in pre-trial detention in each case.[13]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions

CRIN	Amnesty International, London (UK);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (UK).

[2] CRIN, para. 9.
[3] CRIN, para. 4.
[4] CRIN, paras. 5 – 7. See also GIEACPC, paras. 2.3. – 2.4.
[5] CRIN, para. 8.
[6] GIEACPC, para. 1.3.
[7] GIEACPC, para. 2.1.
[8] GIEACPC, para. 2.2.
[9] GIEACPC, para. 2. 5.
[10] CRIN, para. 16.
[11] GIEACPC, p. 1.
[12] CRIN, paras. 1 – 3.
[13] CRIN, para. 16.